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Committee on Economic, Social and Cultural Rights

Sixty-first session

Summary record of the 15th meeting
Held at the Palais Wilson, Geneva, on Wednesday, 31 May 2017, at 10 a.m.

Chair: Ms. Bras Gomes

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The meeting was called to order at 10 a.m.

Consideration of reports (*continued*)

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Fifth periodic report of Australia (*continued*) (E/C.12/AUS/5; E/C.12/AUS/Q/5 and Add.1)

1. *At the invitation of the Chair, the delegation of Australia took places at the Committee table.*

2. **Mr. Reddel** (Australia), referring to the freezing of indexation in the context of the Social Services Legislation Amendment Bill 2017, said that income support and family payment rates and thresholds were linked to the Consumer Price Index. The Government recognized that indexation ensured that the real value of payments was maintained at a level consistent with increases in the cost of living. However, it sometimes temporarily suspended the indexation of some rates in order to improve the targeting of those in greatest need.

3. The Government currently spent a substantial amount of taxpayers' funds each year in three main areas of family support: family tax benefits, childcare payments and paid parental leave. Maintenance of the current family tax benefit rates for two years from 1 July 2017 would help to ensure the sustainability of the family payment system. Indexation would recommence on 1 July 2019 and families would continue to receive assistance at current rates until then. Moreover, some components of the family tax benefits, such as rent assistance, newborn supplements and multiple birth allowances, would continue to be indexed. Many families would thus still receive increased benefits.

4. The purpose of the Government's decision to introduce trials of random drug testing of newstart allowance and youth allowance claimants was to provide assistance to people who were unable to participate in the workforce on account of substance abuse. Such support would improve their chances of finding a job and reduce the risk of ongoing dependence on welfare. Their families, the wider community and the economy would also benefit. A National Drug Strategy Household Survey conducted in 2013 had shown that illicit drug use in the 12 months prior to the survey had been more prevalent among unemployed persons. For instance, they were 2.4 times more likely to use methamphetamines. Under the welfare drug-testing trial to be launched on 1 January 2018, 5,000 new recipients of the allowances would be selected for random drug testing; their consent to participate would be a precondition for payment of the allowance. Any who tested positive would be required to undergo further drug testing within 25 days. The amount of money they received would not be affected, but the amount of cash they could withdraw would be limited and they would not be permitted to use it for harmful activities such as purchases of alcohol or gambling. Jobseekers who tested positive on the second occasion would be referred to a medical professional. The drug-testing trials would be held in three locations with a high incidence of drug use and would be comprehensively evaluated to assess its effectiveness.

5. Five assessments of the income management programme had concluded that it could render life less stressful in relation to money, improve housing stability and build financial skills in the longer term if combined with money management and/or financial counselling. Positive outcomes had also been recorded in terms of meeting children's priority needs. The assessments had produced mixed results, however, with regard to money spent on tobacco, gambling, alcohol and pornographic material. There had been some reports of a significant reduction in alcohol consumption in families, but there was limited evidence of an overall reduction at the community level. While the most positive results had been seen in persons who had volunteered for the income management programme, the compulsory programme had helped in cases of child neglect due to financial management issues, prevented family separation and facilitated reunification. It was essential to use multifaceted methodologies and data sources and to investigate both the immediate impact and longer-term sustainable change.

6. The recommendations made in the Parliamentary Committee's report on violence, abuse and neglect against people with disabilities in institutional and residential settings focused on programmes to develop better ways of preventing, detecting and responding to the causes of violence. The findings of the report and those of State-based inquiries had led to the development of the National Disability Insurance Scheme Quality and Safeguarding Framework and arrangements for the establishment of the Quality and Safeguards Commission, which had been allocated funding of $A 209 million over four years. The Commission would provide for registration, a national complaint handling system and monitoring of restrictive practices under the National Disability Insurance Scheme. The specialist disability accommodation model would enable participants to choose a supported accommodation arrangement that met their needs. Avenues for reporting neglect outside the National Disability Insurance Scheme included the National Disability Abuse and Neglect Hotline and the Complaints Resolution and Referral Service.

7. The Government was committed to addressing the causes and impact of physical and sexual violence against women and children. In 2011, it had issued the National Plan to Reduce Violence against Women and their Children 2010-2022, which comprised four 3-year action plans. It set out an ambitious framework for action to support women and children who had experienced or were at risk of experiencing violence, and to render the perpetrators accountable. Major investments had been made in frontline services and research and progress was monitored through two 4-yearly surveys and an independent evaluation every three years. An annual report was published and a final evaluation would be issued at the end of the 12-year period.

8. The Australian jurisdictions planned to develop a national data collection and reporting framework to provide an accurate overview of the prevalence of family and domestic violence and the response of the justice system. Indigenous women were more vulnerable and their situation was addressed by the third action plan, which aimed to support the existing leadership and knowledge base of indigenous communities, and to oversee the development of a culturally appropriate policy and programme to be implemented in partnership with the communities. A working group composed of indigenous women and men, government representatives, academics and service providers would be established to ensure a strong focus on reducing family and domestic violence against indigenous women and children. It would facilitate culturally appropriate responses and consider the effectiveness of current service provision. The Government had allocated funding to increase provision of legal services for victims, therapeutic services for indigenous children and treatment programmes for indigenous men and to promote the safety of indigenous women.

9. High priority was given to ensuring the economic empowerment and social inclusion of all Australians through a multifaceted approach involving governments, communities, businesses and individuals. The Government had spent about $A 154 billion on social security and welfare in the 2015/16 financial year, a sum that represented 35 per cent of total expenditure. As poverty was associated with homelessness, the Government recognized that access to housing was of fundamental importance and required long-term systemic efforts involving diverse agencies, sectors and communities. It allocated $A 150 million each year under the National Partnership Agreement on Homelessness to fund frontline homelessness services. In 2018, it would introduce a new National Housing and Homelessness Agreement developed in close negotiation with the states and territories and would target priority housing areas.

10. One of the main causes of homelessness was domestic and family violence. About a quarter of the funds under the new Agreement would be invested in 60 homelessness-related initiatives on behalf of women and children experiencing domestic and family violence, and a housing innovation fund would be established under the third action plan to identify alternative accommodation options for the women and children concerned. Services for persons who were homeless or at risk of homelessness were delivered by NGOs. The various governments rejected allegations that homelessness was criminalized, but were aware that certain laws had an impact on the homeless. They therefore provided special services, such as access to transitional housing units, for homeless persons in central urban locations who were most at risk of interacting with the police.

11. **Ms. Kidd** (Australia) said that the principle of equal pay for work of equal or comparable value, including work in different occupations and industries, was enshrined at the federal level in the Fair Work Act. Traditional criteria were applicable, but other criteria were also relevant depending on the nature of the work. Unpaid work, including the provision of care for children, older persons or family members with long-term health conditions, was compensated primarily by means of transfer payments, including family tax benefits, paid parental leave schemes, child disability allowances and childcare benefits. Pursuant to the Fair Work Act, parents and caregivers who had worked with an employer for at least 12 months could request flexible working arrangements. Such requests could only be rejected on reasonable business grounds. The 2017/18 budget funded new measures to support unpaid work. For instance, $A 263 million was to be invested in a pre-employment programme that provided parents of young children with access to services in their local community that would help them to secure employment when their children were enrolled in school. Substantial subsidies were provided under the wage subsidy programmes to employers who recruited mature jobseekers.

12. **Mr. Walter** (Australia) said that recent Australian legislation prohibited discrimination on grounds of sexual orientation, gender identity and intersex status. Transitional exemptions to the legislation in state and territory laws had expired on 31 July 2016, except in Western Australia, where they applied to the surrogacy and reproductive technology laws until 31 July 2017 to allow time for the requisite amendments to be made. The anti-discriminatory legislation had built on the 2009 amendments to 85 federal laws that abolished discrimination against same-sex couples in relation to financial, health-care and other benefits. A national plebiscite would be held on legalizing same-sex marriage, but that vote would not affect the enjoyment of other rights by same-sex couples.

13. Australia had attached major importance to the issue of human trafficking, both domestically and regionally, for many years. A human trafficking and slavery monitoring framework that was being developed for Australia and for Asia and the Pacific as a whole would improve the scope and quality of the data collected. More than 330 suspected victims of human trafficking and slavery had been identified domestically by the Australian authorities since 1 January 2004. Most of the trafficking victims had been women working in the sex industry in both legal and illegal brothels. Recently, however, an increasing number of both men and women were being exploited in other industries or within intimate relationships. That development had been reflected in referrals to the Support for Trafficked People Program in 2015-2016, which indicated that the majority of new victims were being exploited in areas other than the sex industry.

14. Victims of trafficking and slavery could be entitled to compensation under statutory financial schemes funded by state or territory governments and might also seek reparation from perpetrators or damages through the civil courts. A broader and more flexible support system had been established through changes to the human trafficking visa framework, including a broadening of eligibility for access to a permanent visa, and abolition of the two-year waiting period applicable to other newly arrived residents before they could access governmental services, including social security.

15. With regard to indigenous peoples, the Native Title Act provided clearly that developments affecting land in respect of which native title was claimed could not proceed without good-faith negotiations with or the agreement of traditional owners. Indigenous Australians actively exercised their rights under the Native Title Act to develop and seek economic opportunities. The Government was discussing possible reforms to the system with indigenous Australians to assist them in exercising those rights even more effectively. Native title had been determined in respect of 31.3 per cent of the country's total land mass, and a further 25.3 per cent of the land mass was currently undergoing the native title determination process.

16. **Ms. Wilde** (Australia) said that the Government was in the process of revising its policies on climate change to ensure that they were in alignment with its 2030 targets and the Paris Agreement under the United Nations Framework Convention on Climate Change. The revised policies would be based on consultations held with businesses and the wider community and the outcomes of the Finkel Review on the future security of the national electricity market. The Government wished to make an orderly transition towards greater

reliance on renewable energy and had introduced a number of targets to that end, towards which it was making good progress. New funds and initiatives had also been introduced to help the country meet its climate change commitments.

17. **Ms. Bras Gomes** (Country Rapporteur) said that she wished to know who was accountable for the provision of health care at immigrant detention centres in Nauru and Papua New Guinea and what level of interaction there was between the Australian Ministry of Health and the health-care providers at those centres. She asked how the new implementation plan for improving the health of the indigenous populations correlated with the Closing the Gap targets; whether Australia still had mental health laws that provided for compulsory treatment and whether such legislation should be reviewed; and what plans the Government had for the future provision of culturally sensitive care for older persons from culturally diverse communities.

18. **Mr. Sadi** said that he would like to know whether Australia planned to use solar energy as its main form of renewable energy and whether it was considering introducing nuclear power. He enquired how the Government dealt with the minority views of certain migrant groups regarding women's rights, where such views conflicted with national values. He asked how the public and private health-care systems worked together; whether the private system was used only by the wealthiest individuals; whether there were any campaigns in place to combat smoking, the causes of cancer and cardiovascular disease; and how effective such campaigns were.

19. **Ms. Liebenberg** said that she would appreciate more information on the impact of the national partnership agreements related to housing on measures to improve the affordability of housing. She asked what measures were being taken to provide urgent access to social housing, combat homelessness and overcrowding in the Northern Territory, in particular among Aboriginal and Torres Strait Islander communities, improve housing conditions in the Northern Territory and ensure that such communities had access to housing in the lands to which they had an emotional and spiritual connection.

20. **Mr. Chen** (Task Force Member) said that he wished to know what tangible action the Government was taking to provide legal protection against violence for women, children and victims. He also wished to hear more about the provision of physical and mental health care for prisoners, in particular indigenous persons.

21. **Mr. De Schutter** said that, given the above-average level of obesity in Australia, in particular among the indigenous population, he wished to know how the Community Stores Licensing Scheme established by the Stronger Futures in the Northern Territory Act 2012 would account for the nutritional needs of communities in the Northern Territory, whether the scheme took into account the right to an adequate diet and what initiatives were in place to discourage adults and children from consuming foods categorized as "discretionary" and ultra-processed foods.

22. **Mr. Uprimny** (Task Force Member) said that he would like to know whether the forced sterilization of persons with disabilities was allowed if consent was given not by the person concerned but by a surrogate. He asked what the Government's policy was regarding non-consensual genital surgery for intersex individuals and whether such surgery could be performed with surrogate consent.

23. Referring to the trial programme of drugs testing for persons receiving welfare support and the restrictions placed on that support if the individuals tested positive, he asked whether the programme was intended to act as a form of abstinence-based treatment and whether the Government would consider replacing it with a more consensual form of treatment.

24. **Ms. Bras Gomes** said that she would like to know more about the situation of asylum seekers with bridging visas who were receiving an inadequate level of social security allowance. She also asked whether the delegation could provide more information on the issue of family reunification, in particular with regard to persons in regional processing centres and asylum seekers on bridging visas who were living in mainland Australia.

25. **Ms. Wilde** (Australia) said that the Australian Government was committed to upholding the Paris Agreement. The Government would make any decision on nuclear power based on the findings of the Finkel Review. It was continuing to assess all the options and would take note of the Committee's comments.

26. **Mr. Johnson** (Australia) said that all persons held in detention centres received health care, including mental health support, to a standard comparable to that available to the public. They benefited from screening on entry, on-site services provided by mental health professionals and, where necessary, acute hospital-based care and assessments by clinicians. Activities were also provided to keep prisoners mentally and physically active.

27. The regional processing centres in Nauru and Papua New Guinea were governed by the domestic law of those countries. Although the Australian Government did not exercise control over the centres, it had signed memoranda of understanding with the governments of the host countries to support them in the performance of their functions, such as garrison security, catering and health services. The Government also provided support to allow for the recruitment of mental health professionals at the centres. Furthermore, all decisions to transfer refugees were taken in consultation with international health and medical services and the host government and, in the case of refugees who had settled in the local community, with the relevant mental health-care provider at the request of the government.

28. Family reunification was available to all persons who had arrived in Australia through its normal yearly humanitarian and refugee programme, through which a growing number of refugees were accepted each year. It was not available to persons on bridging visas, however. According to article 10 of the Covenant, States had an obligation to prevent the separation of families but not necessarily to facilitate their reunification. Nonetheless, the Australian Government was committed to reunifying families where appropriate.

29. The suggestion that there was inadequate provision of social security for persons in possession of bridging visas was related to the "Illegal Maritime Arrivals legacy caseload", in which many of the refugees concerned were living in Australia on bridging visas while awaiting the outcome of asylum applications. Special support mechanisms that had been introduced were equivalent to 89 per cent of the general welfare package, which the Government believed to be appropriate and balanced and to enable the recipients to be self-sustaining.

30. **Mr. Reddel** (Australia) said that, with regard to domestic violence among newly arrived immigrants, the Government had recently issued a new statement setting out its vision for a multicultural society that included two-way integration, the obligation to adhere to Australian law and a balance of shared rights and responsibilities. In addition, the National Plan to Reduce Violence against Women and their Children 2010-2022 recognized that women from culturally and linguistically diverse backgrounds faced greater barriers to accessing support services and were less likely to leave violent situations. Consultations had been conducted with such women, including new immigrants, on how to combat domestic violence in their communities and the Government would continue to promote initiatives and engage with communities to that end.

31. In the context of the drug-testing trials for recipients of welfare support, referrals to the treatment programme were made solely on the basis of professional advice, taking into account the personal circumstances of each individual. The results of the trial phase would be evaluated rigorously.

32. The Government was providing around $A 6.5 billion to support agreements and programmes to improve the affordability of housing. As part of its 2017/18 budget, the Government planned to introduce a National Housing and Homelessness Agreement with state and territory governments to increase the supply of new homes and improve housing for all social groups. Related schemes and funds had also been introduced to subsidize rental costs, increase the supply of affordable rental accommodation, support local infrastructure projects to increase the number of affordable houses for sale and reduce the cost of new homes for new buyers, including through the provision of grants to state and territory governments to enable them to work with the private sector to that end. Under the new Agreement, funding would also be provided to improve the sustainability of the social housing system.

11. **Mr. Walter** (Australia) said that state and territorial laws included provision for compulsory treatment orders for individuals with a serious medical condition who were incapable of giving valid consent to treatment. Such orders were overseen by special tribunals, such as the Mental Health Tribunal in Victoria. Australia was committed to respecting the physical integrity and reproductive rights of all. Sterilization could only be performed with the person's consent or, where the person was unable to give consent, with the authorization of the court or guardianship tribunal. All states and territories had set up guardianship tribunals. The Family Court was competent to rule on the sterilization of children. Following an inquiry into involuntary or coerced sterilization in 2013, a Senate committee had made a range of recommendations regarding the need for education and uniform legislation. Although the Government had considered the recommendations, it had no immediate plans for reform. Nevertheless, additional funding had been made available to standardize data collection across jurisdictions.

14. The treatment of intersex children was typically carried out in two stages: firstly, the administration of hormones to suppress the advancement of puberty in the gender of birth and, secondly, the administration of hormones to promote the affirmed gender. Authorization from the Family Court was required for stage 2 but not for stage 1. The third stage, namely surgery, was not usually considered for minors. The number of applications to the Family Court had risen from 5 in 2013 to 23 in 2016. The Government was conscious of the fact that requiring judicial authorization could delay treatment and lead to depression, suicidal thoughts and self-harm and was, therefore, looking into possible reforms. In that connection, a number of recent Family Court decisions concerning treatment for intersex children were under review by the Government.

15. As part of the universal periodic review, Australia had made a voluntary commitment to improve the way the criminal justice system treated persons who were unfit to plead or had been found not guilty by reason of mental impairment. In November 2015, the Law, Crime, and Community Safety Council, together with the Attorneys General and the Ministers of Justice at all levels of government, had established a cross-jurisdictional working group to look into improving the framework for data collection and developing a range of resources, for use nationwide, on the treatment of people with mental or cognitive disabilities. The working group had developed principles for their treatment which were being considered by the cabinets of each state or territory. It set particular importance on, inter alia, alternatives to detention, regular reviews of detention orders and reasonable accommodation. The Senate Community Affairs Reference Committee had published a report in November 2016 containing recommendations on a range of issues related to access to justice, resources for training and supported decision-making models, to which the Government would respond later in 2017. Myriad initiatives had been launched in that field at all levels; for example, the Victoria government had tabled a bill providing for regular review processes and a wider range of non-custodial orders and Western Australia had opened a disability justice centre that could accommodate 10 defendants with mental impairments.

16. **Ms. Roberts** (Australia) said that the Government was working on actions to improve the patient experience of Aboriginal and Torres Strait Islander people in the health-care system by identifying areas with poor health outcomes and inadequate services, setting up accountability mechanisms to address racism and discrimination and expanding the use of performance metrics. The next version of the implementation plan for the National Aboriginal and Torres Strait Islander Health Plan 2013-2023 would be coordinated with the Closing the Gap strategy and would focus on addressing the sociocultural determinants of health and responding to broader targets.

17. **Ms. Wilde** (Australia) said that smoking rates in Australia were among the lowest in the world and were continuing to fall. All levels of government had undertaken to reduce the adult daily rate to 10 per cent and to halve the daily rate among adult Aboriginal and Torres Strait Islanders by 2018. Since 2012, all tobacco products sold in the country had to be in plain packaging and continue to carry graphic health warnings. In addition, Australia continued to implement a comprehensive range of tobacco control measures, such as excise increases, education programmes and campaigns, bans on smoking in public places and on tobacco advertising, and support for those who wished to quit smoking. Early evidence

indicated that the measures had begun to achieve their public health objectives. For example, spending on tobacco products had decreased from $A 3.72 billion in 2012 to $A 3.26 billion in 2015. Australia was a world leader in tobacco control and frequently shared its expertise at global and regional forums.

38. Given that indigenous adults were more likely to be obese, the Government supported various initiatives targeting that population, including the Medical Outreach Indigenous Chronic Disease Programme, whereby dieticians, nutritionists and diabetes specialists delivered services to address obesity in rural and remote communities. Since 2015, the Programme had received additional funding for services including assistance to new parents, youth cookery classes and vegetable gardens. In 2016/17, the Government had committed over $A 13 million to increasing the participation of Aboriginal and Torres Strait Islander people in sports and to improving their physical and emotional well-being and resilience.

39. A wide range of health programmes and services, including on mental health and substance abuse, were available in prisons. The fifth National Mental Health and Suicide Prevention Plan was under development by the Ministers of Health across all jurisdictions and should be completed in August 2017. It would provide for coordinated treatment and support for people with complex mental illnesses and contain actions to improve their physical health, reduce the stigma around mental illness and emphasize safety and quality in service delivery.

40. Australia had universal health coverage through the Medicare system, which was built on the principle of affordable access to clinically appropriate services, including for the country's geographically dispersed populations. Medicare provided free access to hospital care and access to affordable medicines, as well as targeted medical assistance in the form of funding for community health services. Although Medicare worked well and was an integral part of the health system, it was never intended to stand alone but, rather, was designed to be supplemented by the private health-care system primarily funded through a private health insurance scheme. Persons who used a higher volume of services and/or had a low income received higher subsidies.

41. Australia was committed to universal access and freedom of choice with high quality care and services, including for older persons. In 2016, approximately 15 per cent of the total population had been over the age of 65, but less than 1 per cent of people in permanent residential care for the elderly identified as indigenous. Thus, the National Aboriginal and Torres Strait Islander Flexible Aged Care Programme funded organizations to provide flexible and culturally appropriate care for older persons close to home. The Programme currently operated more than 30 services in rural and remote locations, with a mix of residential, respite and home-care services that were based on the needs of the communities and were designed to adapt to changes in those communities. All providers of care for older persons were required to arrange for access and to develop culturally appropriate local solutions for the delivery of services in remote areas and in doing so received support and expert advice from the Service Development Assistance Panel.

42. **Mr. Uprimny** said that, although the general population enjoyed the right to education, there was serious inequality in the system that had an adverse effect on education as a driver of social mobility. Part of the problem was that the system was segregated and funding was uneven. He was pleased to note that the Government had announced a reform of school funding; however, he wished to know whether it would be carried out in accordance with the recommendations of the Gonski Review and, specifically, whether the Government intended to set up an independent expert national school resourcing body. He also wished to know what measures were being taken to promote indigenous languages and how much funding had been allocated to the protection of those languages since the Committee's previous dialogue with the State party in 2009. He would appreciate information on the specific mechanisms in place to ensure that Aboriginal and Torres Strait Islander children had access to culturally appropriate early education and that funds for that purpose would not be cut. Regarding lesbian, gay, bisexual, transgender and intersex (LGBTI) students, he would also appreciate information on the tangible steps taken to eliminate harassment in schools and whether the funding for the Safe Schools Coalition would be renewed. Recalling that the State party had a general obligation to ensure that the

Covenant was respected even in areas that fell under subnational jurisdiction, it would be helpful to know how the Government ensured that inclusive education was implemented throughout the country. The argument that the responsibility for services to refugees and asylum seekers, including education, was the responsibility of the authorities of Nauru did not satisfy him, given that those individuals were in Nauru because of the State party's immigration policy.

43. He would appreciate further information on the criteria for the recognition of indigenous land rights, in particular the requirement to have had a connection to the land since the settlement of Australia. He would also appreciate the State party's comments on the obligation to consult indigenous communities regarding projects on their land in the light of complaints that consultations in the context of the Carmichael coalmine had not been conducted in good faith. Did the Government intend to respond to the Uluru Statement of the Heart on the constitutional recognition of the first sovereign Nations of Australia in June 2017? To what extent did the indigenous population have access to the Internet and what were the government targets in that regard?

44. **Mr. Donaldson** (Australia), recalling that the purpose of the Gonski Review had been to establish base funding for all schools, regardless of the system in which they operated, with the funding subsequently adjusted according to the socioeconomic status of the neighbourhood and the composition of the student body, said that the measures introduced in 2014 in follow-up to the Review were not an accurate representation of government plans in that domain. The Government had announced its planned spending to achieve a needs-based system for the decade starting in 2018. Over that period, funding for government schools would grow by nearly 95 per cent while funding for non-government schools would rise by more than 60 per cent. In addition to increasing the budget, the Government would explore how to best use the funding to obtain results for students who most needed it.

45. **Ms. Roberts** (Australia) said that the current curriculum included a framework for the teaching of Aboriginal and Torres Strait Island languages up to Year 10; however, language teaching policies differed from one jurisdiction to the next. More broadly, the Government promoted the revival and preservation of languages, investing over $A 40 million per year in support of indigenous art and languages. In 2017, it would also invest a further $A 10 million to support community-led projects that harnessed digital technologies to revive, preserve and teach indigenous languages. In addition, the Australian Institute of Aboriginal and Torres Strait Islander Studies had been awarded $A 40 million over four years to preserve, restore, manage and digitize its collection of indigenous cultural heritage materials. Resources were also being poured into the training of indigenous language interpreters and the provision of interpretation services as a critical means of ensuring engagement of that population with the Government.

46. **Mr. Johnson** (Australia) stressed that Australia had to work through the sovereign jurisdiction of Nauru and its laws and administrative processes to support the provision of services to refugees and asylum seekers. The Government had provided over $A 8 million for the construction of eight classrooms and two computer rooms, which also benefitted Nauruan children. In addition, it funded school uniforms, English lessons and music, art and sports activities, including after school and during holiday periods. The curriculum taught in Nauru was based on the Queensland state curriculum, and there was funding for 11 Brisbane Catholic education teachers to provide professional development and support in Nauru schools, as well as for counsellors to support the integration of child refugees and asylum seekers into the Nauruan system. The standard of education was very high. Australia also ensured that adult refugees and asylum seekers had access to education, including at the tertiary level, vocational training and courses in information and communications technologies, English and driving. For instance, in 2016, 19 refugee students had enrolled in the University of the South Pacific in a variety of subjects ranging from project management to community development and law.

47. **Mr. Donaldson** (Australia) said that the Government was looking to invest approximately $A 21 billion in the school reform between 2018 and 2027. During that period, funding for students with disabilities would grow by nearly 6 per cent a year and would be better targeted as a result of the Nationally Consistent Collection of Data on

School Students with Disability. Standards on the obligation of teachers in respect of students with disabilities and on the rights of those students had been set in 2005 with a view to providing equal access to education and had been reviewed in 2015. The Safe Schools Coalition had been reviewed and recommendations were being acted on by the Department of Education.

48. **Ms. Roberts** (Australia) said that the Government had been investing in culturally appropriate early childhood education initiatives in remote areas for some time, including the Families as First Teachers programme in 27 communities in the Northern Territory. More than $A 60 million were allocated each year to the running of 295 childcare, early learning and school-age services, predominantly in remote and aboriginal communities. Furthermore, a major longitudinal study entitled Footprints in Time had yielded robust evidence on the importance of early childhood education and care for boosting cognitive and developmental outcomes in aboriginal children. As a consequence, targets for early childhood education, including the target of 95 per cent enrolment by 2025, had been incorporated into the Closing the Gap framework and steady progress was being made. Once the outcome of the Uluru conference and regional dialogues had been consolidated, the referendum council would present a final report and recommendations to the Prime Minister and the Leader of the Opposition by 30 June 2017.

49. **Mr. Walter** (Australia) said that it was important to differentiate between legal connection and spiritual connection to land. The requirement to have an ongoing legal connection with the land, contained in the Native Title Act, had recently been looked into by the Australian Law Reform Commission. The Act did provide for exceptions where the connection had been disrupted and then revived. Moreover, even in cases where a connection was difficult to establish, the other party, including the Government, could choose not to insist on having complete evidence of connection and still enter into negotiations with a particular indigenous group.

50. Regarding the Carmichael coalmine project proposed by the firm Adani, since Australia had replied to the queries of the Special Rapporteur on the rights of indigenous peoples in March 2016, the Wangan and Jagalingou People had negotiated an indigenous land use agreement under the Native Title Act with Adani and the Queensland government. Claimants or holders of native title were free to enter into such agreements — which were typically reached in exchange for, inter alia, jobs for local indigenous people, royalties and housing — and had ample opportunity to express their views throughout the process. In the Carmichael case, the agreement would allow for the development of the mine and associated railway, but the details of the benefits had not been made public. The agreement had been lodged with the National Native Title Tribunal for registration in April 2016 and was currently in the objection phase. One application had been dismissed and an appeal of the dismissal was under way. The second application, which had been lodged in response to a recent Federal Court decision that had introduced a significant technical complication into the registration process, remained before the courts. Legislation to correct the problem was before Parliament, and the next court hearing was scheduled for 27 July 2017.

51. **Mr. Uprimny**, noting that a number of his questions had not been answered, asked whether the Government intended to set up the independent expert national school resourcing body as recommended by the Gonski Review, whether the funding for the Safe Schools Coalition would be renewed and whether schools in indigenous communities would have to compete for funding. Did the State party consider that it had no human rights obligations towards refugees and asylum seekers in Nauru?

52. **Ms. Wilde** (Australia) said that the Safe Schools Coalition was currently under review by state and territorial governments.

53. **Mr. Donaldson** (Australia) said that it was not the Government's intention at that juncture to establish a school resourcing body. However, it was worth noting that Mr. Gonski would also be leading the next review of school funding.

54. **Mr. Johnson** (Australia) said that the processing centres were governed by Nauruan law and that decisions on asylum and refugee claims were made by the Nauruan authorities. Australia nonetheless had memorandums of understanding in place to provide broad-ranging support.

55. **Ms. Roberts** (Australia) said that there would be no competition for school funding, but indigenous schools would have to clearly demonstrate and cost their specific needs.

56. **Ms. Wilde** (Australia) said that Australia welcomed the opportunity to share its experiences and discuss areas where it believed the country was doing well and others where it had progress to make. It took the dialogue seriously and looked forward to receiving the Committee's concluding observations, which were very useful for the development of public policy and practice. The Committee members were more than welcome to contact any part of the Government to discuss any issue raised during the dialogue.

57. **The Chair**, recalling that all the articles of the Covenant held positive obligations, said that she hoped that the concluding observations would be taken in the spirit in which they were given. The Committee was introducing a follow-up procedure designed to maintain the dialogue with States parties outside the regular reporting cycle. The procedure consisted in selecting five or six of the recommendations that were considered particularly pressing for comment by the State party within two years.

The meeting rose at 12.55 p.m.